

**Before the
Federal Communications Commission
Washington, DC**

In the Matter of

Provision of Directory Listing Information)	
Under the Communications Act of 1934)	CC Docket No. 99-273
)	
The Use of N11 Codes and other Abbreviated)	
Dialing Arrangements)	CC Docket No. 92-105
)	
Administration of the North American)	
Numbering Plan)	CC Docket No. 92-237

Comments of The American Foundation for the Blind

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I. Introduction

On January 9, 2002, the Federal Communications Commission (FCC or Commission) released a Notice of Proposed Rulemaking (Notice) seeking comment on proposed methods of promoting competition and choice in the retail directory assistance (DA) market, in accordance with the national policy framework set forth in the Telecommunications Act of 1996, and as further outlined in the Commission's Local Competition Second Report and Order.¹

¹Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, *Second Report and Order and Memorandum Opinion and Order*.

The American Foundation for the Blind is pleased to offer these reply comments in response to issues raised with respect to regulation of special rates and rules applying to DA callers who are blind or visually impaired, consumer protection and quality of service issues with respect to presubscription of DA, and the necessity of continued recognition of DA as a service which facilitates the use of the basic network under Title II of the Communications Act.

The mission of the American Foundation for the Blind, Helen Keller's cause in the United States, is to help people who are blind or visually impaired achieve equality of access and opportunity that will ensure freedom of choice in their lives. Since 1921, AFB has pursued the dream of a world where the major inequities faced by blind or visually impaired people are eliminated or substantially reduced. Today, AFB continues as the nation's leading resource for people who are blind or visually impaired, their families, and the professionals who serve them.

II. Rules Applying to DA Calls from Individuals Who Are Blind or Visually Impaired

In their comments Bell South and GTE point out that state public utility commissions have traditionally imposed requirements related to DA service for quality of service, speed of answer, price, number of free DA calls per month, or in the case of people with disabilities, free DA service². The Commission has also asked whether it would be necessary to establish minimum regulatory guidelines so that state public utility commissions can apply regulations to all competitors. Individuals who are blind or visually impaired have received free DA calls primarily because neither printed directories or other electronic based directories are accessible and usable to them. The Commission has asked if it should establish minimum regulatory guidelines so that state public utility commissions can apply regulations to all competitors. AFB strongly encourages the Commission to establish such minimum regulatory guidelines with

²See NPRM at paragraph 55 comments of Bell South and GTE.

regard to access to DA services for individuals who are blind or visually impaired. AFB must also state the same level of concern over misapplied assumptions that new services such as Internet based directories obviate the necessity of free dial-up DA. With regard to the Internet based or any other advanced telecommunications based directory service, we note the Commission's own concern as stated in "The Second Broadband Report" that....certain groups, including people from low income, minority, and disability communities-may be lagging behind others in access to the Internet.³

The Commission has raised a number of scenarios for presubscription of DA services in a competitive environment. AFB is concerned that almost every one of them raise serious questions regarding the continued designation of free DA services for people who are blind or visually impaired. Along with our recommendation that the Commission provide minimum regulatory guidelines which state public utility commissions can apply to all competitors with regard to the public interest obligations of providers of DA services, we encourage the Commission to examine the public policy issues relating to such regulations by the establishment of a basis for an appropriate public record. Here we agree with Bell South in their assertion that "presubscription still raises several public policy problems that the Commission would have to resolve after developing an appropriate record."⁴

³Ibid, paragraph 43

⁴Bell South comments CC Docket No. 99-273, April 1, 2002.

III. Consumer Protection and Quality of Service

AFB agrees with the issues raised by Bell South and Cincinnati Bell Telephone with regard to consumer protection concerns.⁵ The practices of cramming and slamming have affected all consumers, especially those who have difficulty in reading their bills and notices. We commend the actions taken by the Commission to reduce unauthorized charges on customers bills. Unfortunately we must agree with the commentators that slamming of customer's presubscribed local exchange and long distance services continues to be a problem. This is clearly a major problem for those individuals who cannot access their phone bills and related notices and it will most certainly be exacerbated by new and, potentially, unclear presubscription DA requirements. Undergirding our concern is that the most prevalent complaint of individuals who are blind or visually impaired to both the Commission and state public utility regulators regards inaccessible bills and related notices.

IV. Regulation of Enhanced Directory Assistance Services

⁵ Ibid Bell South; Comments of Cincinnati Bell Telephone CC Docket No. 99-273, March 28, 2002.

The Commission, along with several commentors, discuss the potential elimination of 411 based DA services, especially in view of the development of advanced wireline and wireless services.⁶ (6) AFB is greatly concerned about the potential of elimination of 411 based DA services and movement of such services into the advanced telecommunications services arena. First of all, the Commission has consistently held that providers of “information services” are, with some limitation, not subject to the Commission’s Title II jurisdiction. To the extent that presubscription of DA services would then be accomplished through carriers not regulated by the FCC, we have great reservation that any possibility would exist to require such carriers to provide services accessible to and usable by individuals who are blind or visually impaired. We would also be concerned that such a process would also preclude any ability for the Commission to extend its anti-slamming procedures to address 411 presubscription.

V. Conclusion

AFB urges the Commission to exercise great caution in proposing a new regime for encouraging competition in DA services. The Commission must be well aware that, even among carriers subject to both state public utility regulation and the Commission’s established jurisdiction, a high level of abusive and fraudulent practices have occurred. Therefore we are very wary of the introduction of new competitive schemes for the provision of DA which raise so many questions regarding the foundations for such services and we are even more wary of the migration of such a basic network service as DA to carriers which are not subject to the Commission’s regulatory oversight. Such a process will simply provide one more step away from ensuring that individuals who are blind or visually impaired will have access to basic services.

⁶FCC CC Docket No. 99-273, Notice of Proposed Rulemaking Para. 43.

Respectfully Submitted,

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